

ASSEMBLY BILL

No. 1353

Introduced by Assembly Member Huff

February 23, 2007

An act to amend and repeal Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60643, and 60643.1 of the Education Code, relating to pupil assessment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1353, as introduced, Huff. Pupil assessment.

(1) Existing law, the Standardized Testing and Reporting (STAR) Program, requires each school district, charter school, and county office of education to administer a designated achievement test to each of its pupils in grades 2 to 11, inclusive, until July 1, 2007, and to each of its pupils in grades 3 to 11, inclusive, after July 1, 2007.

This bill would require that the test continue to be administered to pupils in grade 2 on and after July 1, 2007, until those provisions are repealed on January 1, 2011.

(2) By imposing additional requirements on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60603 of the Education Code, as amended
2 by Section 3 of Chapter 233 of the Statutes of 2004, is amended
3 to read:

4 60603. (a) As used in this chapter:

5 (1) "Achievement test" means ~~any~~ a standardized test that
6 measures the level of performance that a pupil has achieved in the
7 core curriculum areas.

8 (2) "Assessment of applied academic skills" means a form of
9 assessment that requires pupils to demonstrate their knowledge
10 of, and ability to apply, academic knowledge and skills in order
11 to solve problems and communicate. It may include, but is not
12 limited to, writing an essay response to a question, conducting an
13 experiment, or constructing a diagram or model. An assessment
14 of applied academic skills may not include assessments of personal
15 behavioral standards or skills, including, but not limited to, honesty,
16 sociability, ethics, or self-esteem.

17 (3) "Basic academic skills" means those skills in the subject
18 areas of reading, spelling, written expression, and mathematics
19 that provide the necessary foundation for mastery of more complex
20 intellectual abilities, including the synthesis and application of
21 knowledge.

22 (4) "Content standards" means the specific academic knowledge,
23 skills, and abilities that all public schools in this state are expected
24 to teach and all pupils expected to learn in each of the core
25 curriculum areas, at each grade level tested.

26 (5) "Core curriculum areas" means the areas of reading, writing,
27 mathematics, history-social science, and science.

28 (6) "Diagnostic assessment" means interim assessments of the
29 current level of achievement of a pupil that serves both of the
30 following purposes:

31 (A) The identification of particular academic standards or skills
32 a pupil has or has not yet achieved.

(B) The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.

(7) “Direct writing assessment” means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(8) “End of course exam” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(9) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(10) “Publisher” means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

(11) “Statewide pupil assessment program” means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the State Board of Education.

(b) This section shall become inoperative on July 1, 2007 2010, and, as of January 1, 2008 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 60603 of the Education Code, as added by Section 4 of Chapter 233 of the Statutes of 2004, is repealed.

~~60603. (a) As used in this chapter:~~

~~(1) “Achievement test” means any standardized test that measures the level of performance that a pupil has achieved in the core curriculum areas.~~

~~(2) “Assessment of applied academic skills” means a form of assessment that requires pupils to demonstrate their knowledge~~

1 of, and ability to apply, academic knowledge and skills in order
2 to solve problems and communicate. It may include, but is not
3 limited to, writing an essay response to a question, conducting an
4 experiment, or constructing a diagram or model. An assessment
5 of applied academic skills may not include assessments of personal
6 behavioral standards or skills, including, but not limited to, honesty,
7 sociability, ethics, or self-esteem.

8 (3) “Basic academic skills” means those skills in the subject
9 areas of reading, spelling, written expression, and mathematics
10 that provide the necessary foundation for mastery of more complex
11 intellectual abilities, including the synthesis and application of
12 knowledge.

13 (4) “Content standards” means the specific academic knowledge,
14 skills, and abilities that all public schools in this state are expected
15 to teach and all pupils expected to learn in each of the core
16 curriculum areas, at each grade level tested.

17 (5) “Core curriculum areas” means the areas of reading, writing,
18 mathematics, history-social science, and science.

19 (6) “Diagnostic assessment” means frequent, interim
20 assessments of the current level of achievement of a pupil that
21 serves both of the following purposes:

22 (A) The identification of particular academic standards or skills
23 a pupil has or has not yet achieved.

24 (B) The identification of possible reasons that a pupil has not
25 yet achieved particular academic standards or skills.

26 (7) “Direct writing assessment” means an assessment of applied
27 academic skills that requires pupils to use written expression to
28 demonstrate writing skills, including writing mechanics, grammar,
29 punctuation, and spelling.

30 (8) “End of course exam” means a comprehensive and
31 challenging assessment of pupil achievement in a particular subject
32 area or discipline.

33 (9) “Performance standards” are standards that define various
34 levels of competence at each grade level in each of the curriculum
35 areas for which content standards are established. Performance
36 standards gauge the degree to which a pupil has met the content
37 standards and the degree to which a school or school district has
38 met the content standards.

39 (10) “Publisher” means a commercial publisher or any other
40 public or private entity, other than the department, which is able

1 to provide tests or test items that meet the requirements of this
2 chapter:

3 (11) ~~“Statewide pupil assessment program” means the systematic~~
4 ~~achievement testing of pupils in grades 3 to 11, inclusive, pursuant~~
5 ~~to the standardized testing and reporting program under Article 4~~
6 ~~(commencing with Section 60640) and the assessment of basic~~
7 ~~academic skills and applied academic skills, administered to pupils~~
8 ~~in grade levels specified in subdivision (c) of Section 60605;~~
9 ~~required by this chapter in all schools within each school district~~
10 ~~by means of tests designated by the State Board of Education.~~

11 (b) ~~This section shall become operative on July 1, 2007.~~

12 SEC. 3. Section 60604 of the Education Code, as amended by
13 Section 5 of Chapter 233 of the Statutes of 2004, is amended to
14 read:

15 60604. (a) ~~The Superintendent of Public Instruction~~ shall
16 design and implement, consistent with the timetable and plan
17 required pursuant to subdivision (b), a statewide pupil assessment
18 program consistent with the testing requirements of this article in
19 accordance with the objectives set forth in Section 60602. That
20 program shall include all of the following:

21 (1) A plan for producing valid, reliable, and comparable
22 individual pupil scores in grades 2 to 11, inclusive, and a
23 comprehensive analysis of these scores based on the results of the
24 achievement test designated by the State Board of Education that
25 assesses a broad range of basic academic skills pursuant to the
26 Standardized Testing and Reporting (STAR) Program established
27 by Article 4 (commencing with Section 60640).

28 (2) A method of working with publishers to ensure valid,
29 reliable, and comparable individual, grade-level, school-level,
30 district-level, county-level, and statewide scores in grades 2 to 11,
31 inclusive, that is based on the achievement test designated pursuant
32 to subdivision (b) of Section 60605.

33 (3) Statewide academically rigorous content and performance
34 standards that reflect the knowledge and skills that pupils will need
35 in order to succeed in the information-based, global economy of
36 the 21st century. These skills shall not include personal behavioral
37 standards or skills, including, but not limited to, honesty,
38 sociability, ethics, or self-esteem.

39 (4) A statewide system that provides the results of testing in a
40 manner that reflects the degree to which pupils are achieving the

1 academically rigorous content and performance standards adopted
2 by the ~~state board~~ *State Board*.

3 (5) The alignment of assessment with the statewide academically
4 rigorous content and performance standards adopted by the ~~state~~
5 ~~board~~ *State Board*.

6 (6) The active, ongoing involvement of parents, classroom
7 teachers, administrators, other educators, governing board members
8 of school districts, and the public in all phases of the design and
9 implementation of the statewide pupil assessment program.

10 (7) The development of a contract or contracts with a publisher
11 or publishers, after the approval of statewide academically rigorous
12 content standards by the ~~state board~~ *State Board*, for the
13 development of performance standards and assessments of applied
14 academic skills designed to test pupils' knowledge of academic
15 skills and abilities to apply that knowledge and those skills in order
16 to solve problems and communicate.

17 (b) The ~~superintendent~~ *Superintendent* shall develop and
18 annually update for the Legislature a five-year cost projection,
19 implementation plan, and timetable for implementing the program
20 described in subdivision (a). The annual update shall be submitted
21 on or before March 1 of each year to the chairperson of the fiscal
22 subcommittee considering budget appropriations in each house.
23 The update shall explain any significant variations from the
24 five-year cost projection for the current year budget and the
25 proposed budget.

26 (c) The ~~superintendent~~ *Superintendent* shall provide each school
27 district with guidelines for professional development that are
28 designed to assist classroom teachers to use the results of the
29 assessments administered pursuant to this chapter to modify
30 instruction for the purpose of improving pupil learning. These
31 guidelines shall be developed in consultation with classroom
32 teachers and approved by the ~~state board~~ *State Board* before
33 dissemination.

34 (d) The ~~superintendent~~ *Superintendent* and the ~~state board~~ *State*
35 *Board* shall consider comments and recommendations from school
36 districts and the public in the development, adoption, and approval
37 of assessment instruments.

38 (e) The results of the achievement test administered pursuant
39 to Article 4 (commencing with Section 60640) shall be returned

1 to the school district within the period of time specified by the
2 ~~state board~~ *State Board*.

3 (f) This section shall become inoperative on July 1, ~~2007~~ *2010*,
4 and, as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted
5 statute, that becomes operative on or before January 1, ~~2008~~ *2011*,
6 deletes or extends the dates on which it becomes inoperative and
7 is repealed.

8 SEC. 4. Section 60604 of the Education Code, as added by
9 Section 6 of Chapter 233 of the Statutes of 2004, is repealed.

10 ~~60604. (a) The Superintendent of Public Instruction shall~~
11 ~~design and implement, consistent with the timetable and plan~~
12 ~~required pursuant to subdivision (b), a statewide pupil assessment~~
13 ~~program consistent with the testing requirements of this article in~~
14 ~~accordance with the objectives set forth in Section 60602. That~~
15 ~~program shall include all of the following:~~

16 ~~(1) A plan for producing valid, reliable, and comparable~~
17 ~~individual pupil scores in grades 3 to 11, inclusive, and a~~
18 ~~comprehensive analysis of these scores based on the results of the~~
19 ~~achievement test designated by the State Board of Education that~~
20 ~~assesses a broad range of basic academic skills pursuant to the~~
21 ~~Standardized Testing and Reporting (STAR) Program established~~
22 ~~by Article 4 (commencing with Section 60640).~~

23 ~~(2) A method of working with publishers to ensure valid,~~
24 ~~reliable, and comparable individual, grade-level, school-level,~~
25 ~~district-level, county-level, and statewide scores in grades 3 to 11,~~
26 ~~inclusive, that is based on the achievement test designated pursuant~~
27 ~~to subdivision (b) of Section 60605.~~

28 ~~(3) Statewide academically rigorous content and performance~~
29 ~~standards that reflect the knowledge and skills that pupils will need~~
30 ~~in order to succeed in the information-based, global economy of~~
31 ~~the 21st century. These skills shall not include personal behavioral~~
32 ~~standards or skills, including, but not limited to, honesty,~~
33 ~~sociability, ethics, or self-esteem.~~

34 ~~(4) A statewide system that provides the results of testing in a~~
35 ~~manner that reflects the degree to which pupils are achieving the~~
36 ~~academically rigorous content and performance standards adopted~~
37 ~~by the state board.~~

38 ~~(5) The alignment of assessment with the statewide academically~~
39 ~~rigorous content and performance standards adopted by the state~~
40 ~~board.~~

1 ~~(6) The active, ongoing involvement of parents, classroom~~
2 ~~teachers, administrators, other educators, governing board members~~
3 ~~of school districts, and the public in all phases of the design and~~
4 ~~implementation of the statewide pupil assessment program.~~

5 ~~(7) The development of a contract or contracts with a publisher~~
6 ~~or publishers, after the approval of statewide academically rigorous~~
7 ~~content standards by the state board, for the development of~~
8 ~~performance standards and assessments of applied academic skills~~
9 ~~designed to test pupils' knowledge of academic skills and abilities~~
10 ~~to apply that knowledge and those skills in order to solve problems~~
11 ~~and communicate.~~

12 ~~(b) The superintendent shall develop and annually update for~~
13 ~~the Legislature a five-year cost projection, implementation plan,~~
14 ~~and timetable for implementing the program described in~~
15 ~~subdivision (a). The annual update shall be submitted on or before~~
16 ~~March 1 of each year to the chairperson of the fiscal subcommittee~~
17 ~~considering budget appropriations in each house. The update shall~~
18 ~~explain any significant variations from the five-year cost projection~~
19 ~~for the current year budget and the proposed budget.~~

20 ~~(c) The superintendent shall provide each school district with~~
21 ~~guidelines for professional development that are designed to assist~~
22 ~~classroom teachers to use the results of the assessments~~
23 ~~administered pursuant to this chapter to modify instruction for the~~
24 ~~purpose of improving pupil learning. These guidelines shall be~~
25 ~~developed in consultation with classroom teachers and approved~~
26 ~~by the state board before dissemination.~~

27 ~~(d) The superintendent and the state board shall consider~~
28 ~~comments and recommendations from school districts and the~~
29 ~~public in the development, adoption, and approval of assessment~~
30 ~~instruments.~~

31 ~~(e) The results of the achievement test administered pursuant~~
32 ~~to Article 4 (commencing with Section 60640) shall be returned~~
33 ~~to the school district within the period of time specified by the~~
34 ~~state board.~~

35 ~~(f) This section shall become operative July 1, 2007.~~

36 SEC. 5. Section 60605 of the Education Code, as amended by
37 Section 7 of Chapter 233 of the Statutes of 2004, is amended to
38 read:

39 60605. (a) (1) (A) Not later than January 1, 1998, the State
40 Board of Education shall adopt statewide academically rigorous

1 content standards, pursuant to the recommendations of the
2 Commission for the Establishment of Academic Content and
3 Performance Standards, in the core curriculum areas of reading,
4 writing, and mathematics to serve as the basis for assessing the
5 academic achievement of individual pupils and of schools, school
6 districts, and the California education system. Not later than
7 November 1, 1998, the ~~state board~~ *State Board* shall adopt these
8 standards in the core curriculum areas of history/social science
9 and science.

10 (B) The ~~state board~~ *State Board* shall adopt statewide
11 performance standards in the core curriculum areas of reading,
12 writing, mathematics, history/social science, and science based on
13 the recommendations made by the Superintendent of Public
14 Instruction and a contractor or contractors.

15 (C) The ~~state board~~ *State Board* shall require the contractor or
16 contractors to submit performance standards to the ~~superintendent~~
17 *Superintendent* and the ~~state board~~ *State Board* not later than a
18 specified date that allows sufficient opportunity for the
19 ~~superintendent~~ *Superintendent* to make a recommendation to the
20 ~~state board~~ *State Board* and for the ~~state board~~ *State Board* to
21 conduct regional hearings prior to the adoption of the performance
22 standards.

23 (2) (A) The ~~state board~~ *State Board* may modify any proposed
24 content standards or performance standards prior to adoption and
25 may adopt content and performance standards in individual core
26 curriculum areas as those standards are submitted to the ~~board~~
27 *State Board*. The state performance standards shall be established
28 against specific grade level benchmarks of academic achievement
29 for each subject area tested and shall be based on the knowledge
30 and skills that pupils will need in order to succeed in the
31 information-based, global economy of the 21st century. These
32 skills shall not include personal behavioral standards or skills,
33 including, but not limited to, honesty, sociability, ethics, or
34 self-esteem. The standards adopted pursuant to this section shall
35 be for the purpose of guiding state decisions regarding the
36 development, adoption, and approval of assessment instruments
37 pursuant to this chapter and does not mandate any actions or
38 activities by school districts.

1 (B) Because these standards are models, the adoption of these
2 standards is not subject to the Administrative Procedure Act. This
3 subparagraph is declaratory of existing law.

4 (3) Before adopting academic content and performance
5 standards, the ~~state board~~ *State Board* shall hold regional hearings
6 for the purpose of giving parents and other members of the public
7 the opportunity to comment on the proposed standards.

8 (b) (1) The ~~state board~~ *State Board* shall require the department
9 to notify publishers of the opportunity to submit, for consideration
10 by the ~~state board~~ *State Board* pursuant to Section 60642, tests of
11 achievement that include all of the basic academic skills identified
12 in subdivision (c) of Section 60603 in grades 2 to 8, inclusive, and
13 the core curriculum areas of English and language arts,
14 mathematics, and science in grades 9 to 11, inclusive.

15 (2) The ~~superintendent~~ *Superintendent* shall recommend to the
16 ~~state board~~ *State Board* which achievement test to adopt pursuant
17 to subdivision (b) of Section 60642.

18 (c) (1) The ~~state board~~ *State Board* shall ensure that the
19 statewide assessment system adopted pursuant to this chapter yields
20 valid, reliable individual pupil scores and, where applicable,
21 aggregate school scores, school district scores, and statewide scores
22 of pupils and assesses basic academic skills and content standards,
23 including the use of a direct writing assessment or other applied
24 academic skills if deemed valid and reliable and if resources are
25 made available for their use.

26 (2) This subdivision does not prevent the ~~state board~~ *State Board*
27 from developing or adopting an assessment instrument that also
28 contains assessments of basic academic skills.

29 (d) To the extent feasible and as otherwise required, the ~~state~~
30 ~~board~~ *State Board* shall ensure that assessments developed, or
31 contracted for pursuant to Section 60642.5, by the state are aligned
32 with the statewide content and performance standards adopted
33 pursuant to subdivision (a). The department, with the approval of
34 the ~~state board~~ *State Board*, ~~shall~~ periodically *shall* contract for a
35 review of the achievement test for conformance with these
36 standards.

37 (e) After adopting statewide content and performance standards,
38 the ~~state board~~ *State Board* shall review the existing curriculum
39 frameworks for conformity with the new statewide standards and

1 shall modify the curriculum frameworks where appropriate to bring
2 them into alignment with the standards.

3 (f) ~~The state board~~ *State Board* shall adopt regulations for the
4 conduct and administration of the testing and assessment program.

5 (g) ~~The state board~~ *State Board* shall adopt a regulation for
6 minimum security procedures that test and assessment publishers
7 and school districts must follow to ensure the security and integrity
8 of test and assessment questions and materials.

9 (h) This section shall become inoperative on July 1, ~~2007~~ *2010*,
10 and, as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted
11 statute, that becomes operative on or before January 1, ~~2008~~ *2011*,
12 deletes or extends the dates on which it becomes inoperative and
13 is repealed.

14 SEC. 6. Section 60605 of the Education Code, as added by
15 Section 8 of Chapter 233 of the Statutes of 2004, is repealed.

16 60605. (a) (1) (A) ~~Not later than January 1, 1998, the State~~
17 ~~Board of Education shall adopt statewide academically rigorous~~
18 ~~content standards, pursuant to the recommendations of the~~
19 ~~Commission for the Establishment of Academic Content and~~
20 ~~Performance Standards, in the core curriculum areas of reading,~~
21 ~~writing, and mathematics to serve as the basis for assessing the~~
22 ~~academic achievement of individual pupils and of schools, school~~
23 ~~districts, and the California education system. Not later than~~
24 ~~November 1, 1998, the state board shall adopt these standards in~~
25 ~~the core curriculum areas of history/social science and science.~~

26 (B) ~~The state board shall adopt statewide performance standards~~
27 ~~in the core curriculum areas of reading, writing, mathematics,~~
28 ~~history/social science, and science based on the recommendations~~
29 ~~made by the superintendent and a contractor or contractors.~~

30 (C) ~~The state board shall require the contractor or contractors~~
31 ~~to submit performance standards to the superintendent and the~~
32 ~~state board not later than a specified date that allows sufficient~~
33 ~~opportunity for the superintendent to make a recommendation to~~
34 ~~the state board and for the state board to conduct regional hearings~~
35 ~~prior to the adoption of the performance standards.~~

36 (2) (A) ~~The state board may modify any proposed content~~
37 ~~standards or performance standards prior to adoption and may~~
38 ~~adopt content and performance standards in individual core~~
39 ~~curriculum areas as those standards are submitted to the state board.~~
40 ~~The performance standards shall be established against specific~~

1 grade level benchmarks of academic achievement for each subject
2 area tested and shall be based on the knowledge and skills that
3 pupils will need in order to succeed in the information-based,
4 global economy of the 21st century. These skills shall not include
5 personal behavioral standards or skills, including, but not limited
6 to, honesty, sociability, ethics, or self-esteem. The standards
7 adopted pursuant to this section shall be for the purpose of guiding
8 state decisions regarding the development, adoption, and approval
9 of assessment instruments pursuant to this chapter and shall not
10 be construed to mandate any actions or activities by school districts.

11 (B) Because these standards are models, the adoption of these
12 standards is not subject to the Administrative Procedure Act. This
13 subparagraph is declaratory of existing law.

14 (3) Before adopting academic content and performance
15 standards, the state board shall hold regional hearings for the
16 purpose of giving parents and other members of the public the
17 opportunity to comment on the proposed standards.

18 (b) (1) The state board shall require the department to notify
19 publishers of the opportunity to submit, for consideration by the
20 state board pursuant to Section 60642, tests of achievement that
21 include all of the basic academic skills identified in subdivision
22 (e) of Section 60603 in grades 3 to 8, inclusive, and the core
23 curriculum areas of English and language arts, mathematics, and
24 science in grades 9 to 11, inclusive.

25 (2) The superintendent shall recommend to the state board which
26 achievement test to adopt pursuant to subdivision (b) of Section
27 60642.

28 (e) (1) The state board shall ensure that the statewide assessment
29 system adopted pursuant to this chapter yields valid, reliable
30 individual pupil scores and, where applicable, aggregate school
31 scores, school district scores, and statewide scores of pupils and
32 assesses basic academic skills and content standards, including
33 the use of a direct writing assessment or other applied academic
34 skills if deemed valid and reliable and if resources are made
35 available for their use.

36 (2) This subdivision does not prevent the state board from
37 developing or adopting an assessment instrument that also contains
38 assessments of basic academic skills.

39 (d) To the extent feasible and as otherwise required, the state
40 board shall ensure that assessments developed, or contracted for

1 pursuant to Section 60642.5, by the state are aligned with the
2 statewide content and performance standards adopted pursuant to
3 subdivision (a). The department, with the approval of the state
4 board, shall periodically contract for a review of the achievement
5 test for conformance with these standards.

6 (e) After adopting statewide content and performance standards,
7 the state board shall review the existing curriculum frameworks
8 for conformity with the new statewide standards and shall modify
9 the curriculum frameworks where appropriate to bring them into
10 alignment with the standards.

11 (f) The state board shall adopt regulations for the conduct and
12 administration of the testing and assessment program.

13 (g) The state board shall adopt a regulation for minimum security
14 procedures that test and assessment publishers and school districts
15 must follow to ensure the security and integrity of test and
16 assessment questions and materials.

17 (h) This section shall become operative July 1, 2007.

18 SEC. 7. Section 60605.6 of the Education Code, as amended
19 by Section 9 of Chapter 233 of the Statutes of 2004, is amended
20 to read:

21 60605.6. Subject to the availability of funds in the annual
22 Budget Act for this purpose, the Superintendent of Public
23 Instruction, upon approval of the State Board of Education, shall
24 contract for the development and distribution of workbooks, as
25 follows:

26 (a) One workbook to be distributed to all pupils in the 10th
27 grade. This workbook shall contain information on the proficiency
28 levels that must be demonstrated by pupils on the high school exit
29 examination described in Chapter 9 (commencing with Section
30 60850). The workbook also shall contain sample questions, with
31 explanations describing how these sample questions test pupil
32 knowledge of the language arts and mathematics content standards
33 adopted by the state board pursuant to Section 60605.

34 (b) Separate workbooks for each of grades 2 to 11, inclusive.
35 Each pupil in grades 2 to 11, inclusive, who is required to take the
36 achievement tests described in Section 60642 or Section 60642.5
37 shall receive a copy of the workbook designed for the same grade
38 level in which the pupil is enrolled. These workbooks shall contain
39 material to assist pupils and their parents with standards-based
40 learning, including the grade appropriate academic content

standards adopted by the ~~state board~~ *State Board* pursuant to Section 60605 and sample questions that require knowledge of these standards to answer. The workbooks also shall describe how the sample questions test knowledge of the ~~state board~~ *State Board* adopted academic content standards.

(c) This section shall become inoperative on July 1, ~~2007~~ *2010*, and, as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2008~~ *2011*, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 60605.6 of the Education Code, as amended by Section 9 of Chapter 233 of the Statutes of 2004, is repealed.

~~60605.6. Subject to the availability of funds in the annual Budget Act for this purpose, the Superintendent of Public Instruction, upon approval of the State Board of Education, shall contract for the development and distribution of workbooks, as follows:~~

~~(a) One workbook to be distributed to all pupils in the 10th grade. This workbook shall contain information on the proficiency levels that must be demonstrated by pupils on the high school exit examination described in Chapter 9 (commencing with Section 60850). The workbook also shall contain sample questions, with explanations describing how these sample questions test pupil knowledge of the language arts and mathematics content standards adopted by the state board pursuant to Section 60605.~~

~~(b) Separate workbooks for each of grades 2 to 11, inclusive. Each pupil in grades 2 to 11, inclusive, who is required to take the achievement tests described in Section 60642 or Section 60642.5 shall receive a copy of the workbook designed for the same grade level in which the pupil is enrolled. These workbooks shall contain material to assist pupils and their parents with standards-based learning, including the grade appropriate academic content standards adopted by the state board pursuant to Section 60605 and sample questions that require knowledge of these standards to answer. The workbooks also shall describe how the sample questions test knowledge of the state board adopted academic content standards.~~

~~(c) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute,~~

1 ~~that becomes operative on or before January 1, 2008, deletes or~~
2 ~~extends the dates on which it becomes inoperative and is repealed.~~

3 SEC. 9. Section 60606 of the Education Code, as amended by
4 Section 11 of Chapter 233 of the Statutes of 2004, is amended to
5 read:

6 60606. (a) After designating a test of academic achievement
7 for use in grades 2 to 11, inclusive, pursuant to Section 60642, or
8 adopting an assessment of applied academic skills for use in grades
9 4, 5, 8, and 10 pursuant to Section 60605, the State Board of
10 Education shall submit each of those two instruments when
11 designated or adopted to the Statewide Pupil Assessment Review
12 Panel, which is hereby established, for review by the panel.

13 (b) The panel shall consist of six members. Three members shall
14 be appointed by the Governor, one member shall be appointed by
15 the Senate Committee on Rules, one member shall be appointed
16 by the Speaker of the Assembly, and one member shall be
17 appointed by the ~~superintendent~~ *Superintendent*. A majority of the
18 panel shall consist of parents whose children attend public schools
19 in the state in kindergarten and grades 1 to 12, inclusive.

20 (c) Panel members shall serve two-year terms, without
21 compensation. No panel member shall serve more than two
22 consecutive terms.

23 (d) The panel shall review the two instruments specified in
24 subdivision (a) in order to ensure that the content of the instruments
25 complies with the requirements of Section 60614. Notwithstanding
26 any other provision of law, the panel may meet in closed session
27 with a publisher for the purpose of addressing questions and
28 clarifying issues that relate to ensuring that the content of the
29 publisher's test or assessment, as the case may be, comply with
30 the requirements of Section 60614.

31 (e) The panel shall report its findings and recommendations to
32 the ~~state board~~ *State Board* within 10 days of its receipt of each
33 instrument. If the panel fails to report within the required 10 days,
34 the test or assessment shall be deemed acceptable to the panel.

35 (f) This section shall become inoperative on July 1, ~~2007~~ *2010*,
36 and, as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted
37 statute, that becomes operative on or before January 1, ~~2008~~ *2011*,
38 deletes or extends the dates on which it becomes inoperative and
39 is repealed.

1 SEC. 10. Section 60606 of the Education Code, as added by
2 Section 12 of Chapter 233 of the Statutes of 2004, is repealed.

3 ~~60606. (a) After designating a test of academic achievement~~
4 ~~for use in grades 3 to 11, inclusive, pursuant to Section 60642, or~~
5 ~~adopting an assessment of applied academic skills for use in grades~~
6 ~~4, 5, 8, and 10 pursuant to Section 60605, the State Board of~~
7 ~~Education shall submit each of those two instruments when~~
8 ~~designated or adopted to the Statewide Pupil Assessment Review~~
9 ~~Panel, which is hereby established, for review by the panel.~~

10 ~~(b) The panel shall consist of six members. Three members shall~~
11 ~~be appointed by the Governor, one member shall be appointed by~~
12 ~~the Senate Committee on Rules, one member shall be appointed~~
13 ~~by the Speaker of the Assembly, and one member shall be~~
14 ~~appointed by the Superintendent of Public Instruction. A majority~~
15 ~~of the panel shall consist of parents whose children attend public~~
16 ~~schools in the state in kindergarten and grades 1 to 12, inclusive.~~

17 ~~(c) Panel members shall serve two-year terms, without~~
18 ~~compensation. No panel member shall serve more than two~~
19 ~~consecutive terms.~~

20 ~~(d) The panel shall review the two instruments specified in~~
21 ~~subdivision (a) in order to ensure that the content of the instruments~~
22 ~~complies with the requirements of Section 60614. Notwithstanding~~
23 ~~any other provision of law, the panel may meet in closed session~~
24 ~~with a publisher for the purpose of addressing questions and~~
25 ~~clarifying issues that relate to ensuring that the content of the~~
26 ~~publisher's test or assessment, as the case may be, comply with~~
27 ~~the requirements of Section 60614.~~

28 ~~(e) The panel shall report its findings and recommendations to~~
29 ~~the state board within 10 days of its receipt of each instrument. If~~
30 ~~the panel fails to report within the required 10 days, the test or~~
31 ~~assessment shall be deemed acceptable to the panel.~~

32 ~~(f) This section shall become operative July 1, 2007.~~

33 SEC. 11. Section 60640 of the Education Code, as amended
34 by Section 4 of Chapter 676 of the Statutes of 2005, is amended
35 to read:

36 60640. (a) There is hereby established the Standardized Testing
37 and Reporting Program, to be known as the STAR Program.

38 (b) Commencing in the ~~2004-05~~ 2004-05 fiscal year and each
39 fiscal year thereafter, and from the funds available for that purpose,
40 each school district, charter school, and county office of education

1 shall administer to each of its pupils in grades 3 and 7 the
2 achievement test designated by the ~~state board~~ *State Board* pursuant
3 to Section 60642 and shall administer to each of its pupils in grades
4 2 to 11, inclusive, the standards-based achievement test provided
5 for in Section 60642.5. The ~~state board~~ *State Board* shall establish
6 a testing period to provide that all schools administer these tests
7 to pupils at approximately the same time during the instructional
8 year, except as necessary to ensure test security and to meet the
9 final filing date.

10 (c) The publisher and the school district shall provide two
11 makeup days for the testing of previously absent pupils within the
12 testing period established by the ~~state board~~ *State Board* in
13 subdivision (b).

14 (d) The governing board of the school district may administer
15 achievement tests in grades other than those required by
16 subdivision (b) as it deems appropriate.

17 (e) Pursuant to ~~paragraph (17) of subsection (a) of Section 1412~~
18 *Section 1412 (a) (17)* of Title 20 of the United States Code,
19 individuals with exceptional needs, as defined in Section 56026,
20 shall be included in the testing requirement of subdivision (b) with
21 appropriate accommodations in administration, where necessary,
22 and those individuals with exceptional needs who are unable to
23 participate in the testing, even with accommodations, shall be
24 given an alternate assessment.

25 (f) (1) At the option of the school district, pupils with limited
26 English proficiency who are enrolled in any of grades 2 to 11,
27 inclusive, may take a second achievement test in their primary
28 language. Primary language tests administered pursuant to this
29 subdivision and subdivision (g) shall be subject to the requirements
30 of subdivision (a) of Section 60641. These primary language tests
31 shall produce individual pupil scores that are valid and reliable.

32 (2) Notwithstanding any other law, the ~~state board~~ *State Board*
33 shall designate for use, as part of this program, a single primary
34 language test in each language for which a test is available for
35 grades 2 to 11, inclusive, pursuant to the process used for
36 designation of the assessment chosen in the 1997-98 fiscal year,
37 as specified in Sections 60642 and 60643, as applicable.

38 (3) (A) The department shall use funds made available pursuant
39 to Title VI of the federal No Child Left Behind Act of 2001 and
40 appropriated by the annual Budget Act for the purpose of

1 developing and adopting primary language assessments that are
2 aligned to the state academic content standards. Subject to the
3 availability of funds, primary language assessments shall be
4 developed and adopted for reading/language arts and mathematics
5 in the dominant primary language of limited-English-proficient
6 pupils. The dominant primary language shall be determined by the
7 count in the annual language census of the primary language of
8 each limited-English-proficient pupil enrolled in the California
9 public schools.

10 (B) Once a dominant primary language assessment is available
11 for use for a specific grade level, it shall be administered in place
12 of the assessment designated pursuant to paragraph (1) for that
13 grade level.

14 (C) In choosing a contractor to develop a primary language
15 assessment the ~~state board~~ *State Board* shall consider the criteria
16 for choosing a contractor or test publisher as specified by Sections
17 60642 and 60643, and as specified by Section 60642.5, as
18 applicable.

19 (D) Subject to the availability of funds, the assessments shall
20 be developed in grade order starting with the lowest grade subject
21 to the STAR Program.

22 (E) If the ~~state board~~ *State Board* contracts for the development
23 of primary language assessments or test items to augment an
24 existing assessment, the state shall retain ownership rights to the
25 assessment and the test items. With the approval of the ~~state board~~
26 *State Board*, the department may license the test for use in other
27 states subject to a compensation agreement approved by the
28 Department of Finance.

29 (F) On or before January 1, 2006, the department shall submit
30 to the Legislature a report on the development and implementation
31 of the initial primary language assessments and recommendations
32 on the development and implementation of future assessments and
33 funding requirements.

34 (g) A pupil identified as limited English proficient pursuant to
35 the administration of a test made available pursuant to Section
36 60810 who is enrolled in any of grades 2 to 11, inclusive, and who
37 either receives instruction in his or her primary language or has
38 been enrolled in a school in the United States for less than 12
39 months shall be required to take a test in his or her primary
40 language if a test is available.

1 (h) (1) The Superintendent shall apportion funds to school
2 districts to enable school districts to meet the requirements of
3 subdivisions (b), (e), (f), and (g).

4 (2) ~~The state board shall~~ *State Board* annually *shall* establish
5 the amount of funding to be apportioned to school districts for
6 each test administered and ~~shall~~ annually *shall* establish the amount
7 that each publisher shall be paid for each test administered under
8 the agreements required pursuant to Section 60643. The amounts
9 to be paid to the publishers shall be determined by considering the
10 cost estimates submitted by each publisher each September and
11 the amount included in the annual Budget Act, and by making
12 allowance for the estimated costs to school districts for compliance
13 with the requirements of subdivisions (b), (e), (f), and (g).

14 (3) An adjustment to the amount of funding to be apportioned
15 per test may not be valid without the approval of the Director of
16 Finance. A request for approval of an adjustment to the amount
17 of funding to be apportioned per test shall be submitted in writing
18 to the Director of Finance and the chairpersons of the fiscal
19 committees of both houses of the Legislature with accompanying
20 material justifying the proposed adjustment. The Director of
21 Finance is authorized to approve only those adjustments related
22 to activities required by statute. The Director of Finance shall
23 approve or disapprove the amount within 30 days of receipt of the
24 request and shall notify the chairpersons of the fiscal committees
25 of both houses of the Legislature of the decision.

26 (i) For the purposes of making the computations required by
27 Section 8 of Article XVI of the California Constitution, the
28 appropriation for the apportionments made pursuant to paragraph
29 (1) of subdivision (h), and the payments made to the publishers
30 under the contracts required pursuant to Section 60643 or
31 subparagraph (C) of paragraph (1) of subdivision (a) of Section
32 60605 between the department and the contractor, are “General
33 Fund revenues appropriated for school districts,” as defined in
34 subdivision (c) of Section 41202, for the applicable fiscal year,
35 and included within the “total allocations to school districts and
36 community college districts from General Fund proceeds of taxes
37 appropriated pursuant to Article XIII B,” as defined in subdivision
38 (e) of Section 41202, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the Superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the ~~state board~~ *State Board* are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent ~~shall~~, with the approval of the ~~state board~~ *State Board*, annually *shall* release to the public at least 25 percent of test items from the standards-based achievement test provided for in Section 60642.5 from the test administered in the previous year.

(m) This section shall become inoperative on July 1, ~~2007~~ *2010*, and as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2008~~ *2011*, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 60640 of the Education Code, as amended by Section 5 of Chapter 676 of the Statutes of 2005, is repealed.

~~60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.~~

~~(b) Commencing in the 2007-08 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 3 and 7 the achievement test designated by the state board pursuant to Section 60642 and shall administer to each of its pupils in grades 3 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.~~

1 ~~(e) The publisher and the school district shall provide two~~
2 ~~makeup days for the testing of previously absent pupils within the~~
3 ~~testing period established by the state board in subdivision (b).~~

4 ~~(d) The governing board of the school district may administer~~
5 ~~achievement tests in grades other than those required by~~
6 ~~subdivision (b) as it deems appropriate.~~

7 ~~(e) Pursuant to paragraph (17) of subsection (a) of Section 1412~~
8 ~~of Title 20 of the United States Code, individuals with exceptional~~
9 ~~needs, as defined in Section 56026, shall be included in the testing~~
10 ~~requirement of subdivision (b) with appropriate accommodations~~
11 ~~in administration, where necessary, and those individuals with~~
12 ~~exceptional needs who are unable to participate in the testing, even~~
13 ~~with accommodations, shall be given an alternate assessment.~~

14 ~~(f) (1) At the option of the school district, a pupil with limited~~
15 ~~English proficiency who is enrolled in any of grades 3 to 11,~~
16 ~~inclusive, may take a second achievement test in his or her primary~~
17 ~~language. Primary language tests administered pursuant to this~~
18 ~~subdivision and subdivision (g) shall be subject to the requirements~~
19 ~~of subdivision (a) of Section 60641. These primary language tests~~
20 ~~shall produce individual pupil scores that are valid and reliable.~~

21 ~~(2) Notwithstanding any other law, the state board shall~~
22 ~~designate for use, as part of this program, a single primary language~~
23 ~~test in each language for which a test is available for grades 3 to~~
24 ~~11, inclusive, pursuant to the process used for designation of the~~
25 ~~assessment chosen in the 1997-98 fiscal year, as specified by~~
26 ~~Sections 60642 and 60643, and as specified by Section 60642.5;~~
27 ~~as applicable.~~

28 ~~(3) (A) The department shall use funds made available pursuant~~
29 ~~to Title VI of the federal No Child Left Behind Act of 2001 and~~
30 ~~appropriated by the annual Budget Act for the purpose of~~
31 ~~developing and adopting primary language assessments that are~~
32 ~~aligned to the state academic content standards. Subject to the~~
33 ~~availability of funds, primary language assessments shall be~~
34 ~~developed and adopted for reading/language arts and mathematics~~
35 ~~in the dominant primary language of limited-English-proficient~~
36 ~~pupils. The dominant primary language shall be determined by the~~
37 ~~count in the annual language census of the primary language of~~
38 ~~each limited-English-proficient pupil enrolled in the California~~
39 ~~public schools.~~

~~(B) Once a dominant primary language assessment is available for use for a specific grade level, it shall be administered in place of the assessment designated pursuant to paragraph (1) for that grade level.~~

~~(C) In selecting a contractor to develop a primary language assessment, the state board shall consider the criteria for choosing a contractor or test publisher as specified by Sections 60642 and 60643, and as specified by Section 60642.5, as applicable.~~

~~(D) Subject to the availability of funds, the assessments shall be developed in grade order starting with the lowest grade subject to the STAR Program.~~

~~(E) If the state board contracts for the development of primary language assessments or test items to augment an existing assessment, the state shall retain ownership rights to the assessment and the test items. With the approval of the state board, the department may license the test for use in other states subject to a compensation agreement approved by the Department of Finance.~~

~~(g) A pupil identified as limited English proficient pursuant to the administration of a test made available pursuant to Section 60810 who is enrolled in any of grades 3 to 11, inclusive, and who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months shall be required to take a test in his or her primary language if a test is available.~~

~~(h) (1) The Superintendent shall apportion funds to school districts to enable school districts to meet the requirements of subdivision (b), the alternative assessment required by subdivision (e), and subdivisions (f) and (g).~~

~~(2) The state board shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivision (b), the alternative assessment required by subdivision (e), and subdivisions (f) and (g).~~

1 ~~(3) An adjustment to the amount of funding to be apportioned~~
2 ~~per test may not be valid without the approval of the Director of~~
3 ~~Finance. A request for approval of an adjustment to the amount~~
4 ~~of funding to be apportioned per test shall be submitted in writing~~
5 ~~to the Director of Finance and the chairpersons of the fiscal~~
6 ~~committees of both houses of the Legislature with accompanying~~
7 ~~material justifying the proposed adjustment. The Director of~~
8 ~~Finance is authorized to approve only those adjustments related~~
9 ~~to activities required by statute. The Director of Finance shall~~
10 ~~approve or disapprove the amount within 30 days of receipt of the~~
11 ~~request and shall notify the chairpersons of the fiscal committees~~
12 ~~of both houses of the Legislature of the decision.~~

13 ~~(i) For the purposes of making the computations required by~~
14 ~~Section 8 of Article XVI of the California Constitution, the~~
15 ~~appropriation for the apportionments made pursuant to paragraph~~
16 ~~(1) of subdivision (h), and the payments made to the publishers~~
17 ~~under the contracts required pursuant to Section 60643 or~~
18 ~~subparagraph (C) of paragraph (1) of subdivision (a) of Section~~
19 ~~60605 between the department and the contractor, are "General~~
20 ~~Fund revenues appropriated for school districts," as defined in~~
21 ~~subdivision (e) of Section 41202, for the applicable fiscal year,~~
22 ~~and included within the "total allocations to school districts and~~
23 ~~community college districts from General Fund proceeds of taxes~~
24 ~~appropriated pursuant to Article XIII B," as defined in subdivision~~
25 ~~(e) of Section 41202, for that fiscal year.~~

26 ~~(j) As a condition to receiving an apportionment pursuant to~~
27 ~~subdivision (h), a school district shall report to the Superintendent~~
28 ~~all of the following:~~

29 ~~(1) The number of pupils enrolled in the school district in grades~~
30 ~~3 to 11, inclusive.~~

31 ~~(2) The number of pupils to whom an achievement test was~~
32 ~~administered in grades 3 to 11, inclusive, in the school district.~~

33 ~~(3) The number of pupils in paragraph (1) who were exempted~~
34 ~~from the test at the request of their parents or guardians.~~

35 ~~(k) The Superintendent and the state board are authorized and~~
36 ~~encouraged to assist postsecondary educational institutions to use~~
37 ~~the assessment results of the California Standards Tests, including,~~
38 ~~but not limited to, the augmented California Standards Tests, for~~
39 ~~academic credit, placement, or admissions processes.~~

1 ~~(l) The Superintendent shall, with the approval of the state board,~~
2 ~~annually release to the public at least 25 percent of test items from~~
3 ~~the standards-based achievement test provided for in Section~~
4 ~~60642.5 from the test administered in the previous year.~~

5 ~~(m) This section shall become operative July 1, 2007.~~

6 SEC. 13. Section 60643 of the Education Code, as amended
7 by Section 19 of Chapter 233 of the Statutes of 2004, is amended
8 to read:

9 60643. (a) To be eligible for consideration under Section 60642
10 or 60642.5 by the State Board of Education, test publishers shall
11 agree in writing each year to meet the following requirements, as
12 applicable, if selected:

13 (1) Enter into an agreement, pursuant to subdivision (e) or (f),
14 with the department by October 15.

15 (2) With respect to selection under Section 60642.5, align the
16 standards-based achievement test provided for in Section 60642.5
17 to the academically rigorous content and performance standards
18 adopted by the State Board of Education.

19 (3) Comply with subdivisions (c) and (d) of Section 60645.

20 (4) Provide valid and reliable individual pupil scores only in
21 the content areas specified in subdivision (c) of Section 60642 to
22 parents or guardians, teachers, and school administrators.

23 (5) Provide valid and reliable aggregate scores only in the
24 content areas specified in subdivision (c) of Section 60642 to
25 school districts and county boards of education in all of the
26 following forms and formats:

27 (A) Grade level.

28 (B) School level.

29 (C) District level.

30 (D) Countywide.

31 (E) Statewide.

32 (F) Comparison of statewide scores relative to other states.

33 (6) Provide disaggregated scores, based on
34 limited-English-proficient status and nonlimited-English-proficient
35 status. For purposes of this section, pupils with
36 “nonlimited-English-proficient status” shall include the total of
37 those pupils who are English-only pupils, fluent-English-proficient
38 pupils, and redesignated fluent-English-proficient pupils. These
39 scores shall be provided to school districts and county boards of
40 education in the same forms and formats listed in paragraph (5).

1 (7) Provide disaggregated scores by pupil gender and ethnicity
2 and provide disaggregated scores based on whether pupils are
3 economically disadvantaged or not. These disaggregated scores
4 shall be in the same forms and formats as listed in paragraph (5).
5 In any one year, the disaggregation shall entail information already
6 being collected by school districts, county offices of education, or
7 charter schools.

8 (8) Provide disaggregated scores for pupils who have
9 individualized education programs and have enrolled in special
10 education, to the extent required by federal law. These scores shall
11 be provided in the same forms and formats listed in paragraph (5).
12 This section may not be construed to exclude the scores of special
13 education pupils from any state or federal accountability system.

14 (9) Provide information listed in paragraphs (5), (6), (7), and
15 (8) to the department and the ~~state board~~ *State Board* in the medium
16 requested by each entity, respectively.

17 (b) It is the intent of the Legislature that the publisher work with
18 the Superintendent of ~~Public Instruction~~ and the ~~state board~~ *State*
19 *Board* in developing a methodology to disaggregate statewide
20 scores as required in paragraphs (6) and (7) of subdivision (a), and
21 in determining which variable indicated on the STAR testing
22 document shall serve as a proxy for “economically disadvantaged”
23 status pursuant to paragraph (7).

24 (c) Access to ~~any~~ information about individual pupils or their
25 families shall be granted to the publisher only for purposes of
26 correctly associating test results with the pupils who produced
27 those results or for reporting and disaggregating test results as
28 required by this section. School districts are prohibited from
29 excluding a pupil from the test if a parent or parents decline to
30 disclose income. This chapter does not abridge or deny rights to
31 confidentiality contained in the *federal* Family Educational Rights
32 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable
33 provisions of state and federal law that protect the confidentiality
34 of information collected by educational institutions.

35 (d) Notwithstanding any other provision of law, the publisher
36 of the achievement test designated pursuant to Section 60642, the
37 publisher of the standards-based achievement test provided for in
38 Section 60642.5, or ~~any~~ a contractor under subdivision (f) shall
39 comply with all of the conditions and requirements enumerated in

1 subdivision (a), as applicable, to the satisfaction of the ~~state board~~
2 *State Board*.

3 (e) (1) A publisher may not provide a test described in Section
4 60642, 60642.5, or 60650 or in subdivision (f) of Section 60640
5 for use in California public schools, unless the publisher enters
6 into a written contract with the department as set forth in this
7 subdivision.

8 (2) The department shall develop, and the ~~state board~~ *State*
9 *Board* shall approve, a contract to be entered into with ~~any a~~
10 publisher pursuant to paragraph (1). The department may develop
11 the contract through negotiations with the publisher.

12 (3) For purposes of the contracts authorized pursuant to this
13 subdivision, the department is exempt from the requirements of
14 Part 2 (commencing with Section 10100) of Division 2 of the
15 Public Contract Code and from the requirements of Article 6
16 (commencing with Section 999) of Chapter 6 of Division 4 of the
17 Military and Veterans Code.

18 (4) The contracts shall include provisions for progress payments
19 to the publisher for work performed or costs incurred in the
20 performance of the contract. Not less than 10 percent of the amount
21 budgeted for each separate and distinct component task provided
22 for in each contract shall be withheld pending final completion of
23 all component tasks by that publisher. The total amount withheld
24 pending final completion shall not exceed 10 percent of the total
25 contract price.

26 (5) The contracts shall require liquidated damages to be paid
27 by the publisher in the amount of up to 10 percent of the total cost
28 of the contract for any component task that the publisher through
29 its own fault or that of its subcontractors fails to substantially
30 perform by the date specified in the agreement.

31 (6) The contracts shall establish the process and criteria by
32 which the successful completion of each component task shall be
33 recommended by the department and approved by the ~~state board~~
34 *State Board*.

35 (7) The publishers shall submit, as part of the contract
36 negotiation process, a proposed budget and invoice schedule, that
37 includes a detailed listing of the costs for each component task
38 and the expected date of the invoice for each completed component
39 task.

1 (8) The contracts shall specify the following component tasks,
2 as applicable, that are separate and distinct:

3 (A) Development of new tests or test items as required by
4 paragraph (2) of subdivision (a).

5 (B) Test materials production or publication.

6 (C) Delivery of test materials to school districts.

7 (D) Test processing, scoring, and analyses.

8 (E) Reporting of test results to the school districts, including,
9 but not limited to, all reports specified in this section.

10 (F) Reporting of test results to the department, including, but
11 not limited to, the electronic files required pursuant to this section.

12 (G) All other analyses or reports required by the ~~superintendent~~
13 *Superintendent* to meet the requirements of state and federal law
14 and set forth in the agreement.

15 (9) The contracts shall specify the specific reports and data files,
16 if any, that are to be provided to school districts by the publisher
17 and the number of copies of each report or file to be provided.

18 (10) The contracts shall specify the means by which ~~any a~~
19 delivery date for materials to each school district shall be verified
20 by the publisher and the school district.

21 (11) School districts may negotiate a separate agreement with
22 the publisher for ~~any~~ additional materials or services not within
23 the contracts specified in this subdivision, including, but not limited
24 to, the administration of the tests to pupils in grade levels other
25 than grades 2 to 11, inclusive. ~~Any~~ A separate agreement is not
26 within the scope of the contract specified in this subdivision.

27 (f) The department, with approval of the ~~state board~~ *State Board*,
28 may enter into a separate contract for the development or
29 administration of ~~any a~~ test authorized pursuant to this part,
30 including, but not limited to, item development, coordination of
31 tests, assemblage of tests or test items, scoring, or reporting. The
32 liquidated damages provision set forth in paragraph (5) of
33 subdivision (e) shall apply to ~~any a~~ contract entered into pursuant
34 to this subdivision.

35 (g) This section shall become inoperative on July 1, ~~2007~~ *2010*,
36 and, as of January 1, ~~2008~~ *2011*, is repealed, unless a later enacted
37 statute, that becomes operative on or before January 1, ~~2008~~ *2011*,
38 deletes or extends the dates on which it becomes inoperative and
39 is repealed.

SEC. 14. Section 60643 of the Education Code, as added by Section 20 of Chapter 233 of the Statutes of 2004, is repealed.

~~60643. (a) To be eligible for consideration under Section 60642 or 60642.5 by the State Board of Education, test publishers shall agree in writing each year to meet the following requirements, as applicable, if selected:~~

~~(1) Enter into an agreement, pursuant to subdivision (e) or (f), with the department by October 15.~~

~~(2) With respect to selection under Section 60642.5, align the standards-based achievement test provided for in Section 60642.5 to the academically rigorous content and performance standards adopted by the state board.~~

~~(3) Comply with subdivisions (c) and (d) of Section 60645.~~

~~(4) Provide valid and reliable individual pupil scores only in the content areas specified in subdivision (c) of Section 60642 to parents or guardians, teachers, and school administrators.~~

~~(5) Provide valid and reliable aggregate scores only in the content areas specified in subdivision (e) of Section 60642 to school districts and county boards of education in all of the following forms and formats:~~

~~(A) Grade level.~~

~~(B) School level.~~

~~(C) District level.~~

~~(D) Countywide.~~

~~(E) Statewide.~~

~~(F) Comparison of statewide scores relative to other states.~~

~~(6) Provide disaggregated scores, based on limited-English-proficient status and nonlimited-English-proficient status. For purposes of this section, pupils with “nonlimited-English-proficient status” shall include the total of those pupils who are English-only pupils, fluent-English-proficient pupils, and redesignated fluent-English-proficient pupils. These scores shall be provided to school districts and county boards of education in the same forms and formats listed in paragraph (5).~~

~~(7) Provide disaggregated scores by pupil gender and ethnicity and provide disaggregated scores based on whether pupils are economically disadvantaged or not. These disaggregated scores shall be in the same forms and formats as listed in paragraph (5).~~

~~In any one year, the disaggregation shall entail information already~~

1 being collected by school districts, county offices of education, or
2 charter schools.

3 (8) ~~Provide disaggregated scores for pupils who have~~
4 ~~individualized education programs and have enrolled in special~~
5 ~~education, to the extent required by federal law. These scores shall~~
6 ~~be provided in the same forms and formats listed in paragraph (5).~~
7 ~~This section may not be construed to exclude the scores of special~~
8 ~~education pupils from any state or federal accountability system.~~

9 (9) ~~Provide information listed in paragraphs (5), (6), (7), and~~
10 ~~(8) to the state board and the department in the medium requested~~
11 ~~by each entity, respectively.~~

12 (b) ~~It is the intent of the Legislature that the publisher work with~~
13 ~~the superintendent and the state board in developing a methodology~~
14 ~~to disaggregate statewide scores as required in paragraphs (6) and~~
15 ~~(7) of subdivision (a), and in determining which variable indicated~~
16 ~~on the STAR testing document shall serve as a proxy for~~
17 ~~“economically disadvantaged” status pursuant to paragraph (7).~~

18 (e) ~~Access to any information about individual pupils or their~~
19 ~~families shall be granted to the publisher only for purposes of~~
20 ~~correctly associating test results with the pupils who produced~~
21 ~~those results or for reporting and disaggregating test results as~~
22 ~~required by this section. School districts are prohibited from~~
23 ~~excluding a pupil from the test if a parent or parents decline to~~
24 ~~disclose income. This chapter does not abridge or deny rights to~~
25 ~~confidentiality contained in the Family Educational Rights and~~
26 ~~Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable~~
27 ~~provisions of state and federal law that protect the confidentiality~~
28 ~~of information collected by educational institutions.~~

29 (d) ~~Notwithstanding any other provision of law, the publisher~~
30 ~~of the achievement test designated pursuant to Section 60642, the~~
31 ~~publisher of the standards-based achievement test provided for in~~
32 ~~Section 60642.5, or any contractor under subdivision (f) shall~~
33 ~~comply with all of the conditions and requirements enumerated in~~
34 ~~subdivision (a), as applicable, to the satisfaction of the state board.~~

35 (e) (1) ~~A publisher may not provide a test described in Section~~
36 ~~60642, 60642.5, or 60650 or in subdivision (f) of Section 60640~~
37 ~~for use in California public schools unless the publisher enters into~~
38 ~~a written contract with the department as set forth in this~~
39 ~~subdivision.~~

1 ~~(2) The department shall develop, and the state board shall~~
2 ~~approve, a contract to be entered into with any publisher pursuant~~
3 ~~to paragraph (1). The department may develop the contract through~~
4 ~~negotiations with the publisher.~~

5 ~~(3) For purposes of the contracts authorized pursuant to this~~
6 ~~subdivision, the department is exempt from the requirements of~~
7 ~~Part 2 (commencing with Section 10100) of Division 2 of the~~
8 ~~Public Contract Code and from the requirements of Article 6~~
9 ~~(commencing with Section 999) of Chapter 6 of Division 4 of the~~
10 ~~Military and Veterans Code.~~

11 ~~(4) The contracts shall include provisions for progress payments~~
12 ~~to the publisher for work performed or costs incurred in the~~
13 ~~performance of the contract. Not less than 10 percent of the amount~~
14 ~~budgeted for each separate and distinct component task provided~~
15 ~~for in each contract shall be withheld pending final completion of~~
16 ~~all component tasks by that publisher. The total amount withheld~~
17 ~~pending final completion shall not exceed 10 percent of the total~~
18 ~~contract price.~~

19 ~~(5) The contracts shall require liquidated damages to be paid~~
20 ~~by the publisher in the amount of up to 10 percent of the total cost~~
21 ~~of the contract for any component task that the publisher through~~
22 ~~its own fault or that of its subcontractors fails to substantially~~
23 ~~perform by the date specified in the agreement.~~

24 ~~(6) The contracts shall establish the process and criteria by~~
25 ~~which the successful completion of each component task shall be~~
26 ~~recommended by the department and approved by the state board.~~

27 ~~(7) The publishers shall submit, as part of the contract~~
28 ~~negotiation process, a proposed budget and invoice schedule, that~~
29 ~~includes a detailed listing of the costs for each component task~~
30 ~~and the expected date of the invoice for each completed component~~
31 ~~task.~~

32 ~~(8) The contracts shall specify the following component tasks,~~
33 ~~as applicable, that are separate and distinct:~~

34 ~~(A) Development of new tests or test items as required by~~
35 ~~paragraph (2) of subdivision (a):~~

36 ~~(B) Test materials production or publication.~~

37 ~~(C) Delivery of test materials to school districts.~~

38 ~~(D) Test processing, scoring, and analyses.~~

39 ~~(E) Reporting of test results to the school districts, including,~~
40 ~~but not limited to, all reports specified in this section.~~

1 ~~(F) Reporting of test results to the department, including, but~~
2 ~~not limited to, the electronic files required pursuant to this section.~~

3 ~~(G) All other analyses or reports required by the superintendent~~
4 ~~to meet the requirements of state and federal law and set forth in~~
5 ~~the agreement.~~

6 ~~(9) The contracts shall specify the specific reports and data files,~~
7 ~~if any, that are to be provided to school districts by the publisher~~
8 ~~and the number of copies of each report or file to be provided.~~

9 ~~(10) The contracts shall specify the means by which any delivery~~
10 ~~date for materials to each school district shall be verified by the~~
11 ~~publisher and the school district.~~

12 ~~(11) School districts may negotiate a separate agreement with~~
13 ~~the publisher for any additional materials or services not within~~
14 ~~the contracts specified in this subdivision, including, but not limited~~
15 ~~to, the administration of the tests to pupils in grade levels other~~
16 ~~than grades 3 to 11, inclusive. Any separate agreement is not within~~
17 ~~the scope of the contract specified in this subdivision.~~

18 ~~(f) The department, with approval of the state board, may enter~~
19 ~~into a separate contract for the development or administration of~~
20 ~~any test authorized pursuant to this part, including, but not limited~~
21 ~~to, item development, coordination of tests, assemblage of tests~~
22 ~~or test items, scoring, or reporting. The liquidated damages~~
23 ~~provision set forth in paragraph (5) of subdivision (e) shall apply~~
24 ~~to any contract entered into pursuant to this subdivision.~~

25 ~~(g) This section shall become operative July 1, 2007.~~

26 SEC. 15. Section 60643.1 of the Education Code, as amended
27 by Section 21 of Chapter 233 of the Statutes of 2004, is amended
28 to read:

29 60643.1. (a) (1) Commencing in the 1999–2000 school year,
30 and each school year thereafter, the test publisher designated by
31 the State Board of Education pursuant to Section 60642 shall make
32 available a reading list on the Internet by June 1 of that school
33 year. The reading list shall include an index that correlates ranges
34 of pupil reading scores on the English language arts portion of the
35 achievement test designated pursuant to Section 60642 to titles of
36 materials that would be suitable for pupils in each of grades 2 to
37 11, inclusive, to read in order to improve their reading skills. This
38 reading list shall include titles of books that allow a pupil to
39 practice reading at his or her current reading level and that will
40 assist the pupil in achieving a higher level of proficiency. To the

1 extent possible, the index shall also include information related to
2 the subject matter of each title. At a minimum, the reading list
3 shall also categorize titles by subject matter and identify
4 age-appropriate distinctions in the list.

5 (2) Commencing in the 1999–2000 school year, and each school
6 year thereafter, the test publisher shall make available, for purchase
7 by school districts, a report that provides a numerical distribution
8 of the reading scores of all pupils in California who took the
9 achievement test designated pursuant to Section 60642.

10 (3) Commencing in the 1999–2000 school year, and each school
11 year thereafter, the test publisher shall make available, for purchase
12 by school districts, reading lists that can be distributed to pupils
13 based on a pupil's age and the ranges of scores on the English
14 language arts portion of the achievement test designated pursuant
15 to Section 60642.

16 (4) The requirements of this subdivision shall only become
17 operative upon a determination by the Director of Finance that
18 funds are available to make an adjustment pursuant to subdivision
19 (h) of Section 60640.

20 (b) ~~The state board~~ *State Board* and the Superintendent of Public
21 ~~Instruction shall~~ jointly *shall* certify that the process used by the
22 publisher to determine the reading levels of the corresponding
23 reading list pursuant to paragraph (1) of subdivision (a) meets the
24 following criteria:

25 (1) The process is educationally valid.

26 (2) The process results in a reading list for each reading span
27 that provides titles at the pupil's current reading level and the next
28 higher level for challenging practice.

29 (3) The process results in a selection from the universe of titles
30 from the list developed pursuant to subdivision (d) that matches
31 each reading level.

32 (4) The process is unbiased in the selection of publishers' titles
33 from the legal compliance list.

34 (c) The titles listed at each reading level range posted on the
35 Internet and the reading lists made available to school districts
36 pursuant to subdivision (a) ~~shall~~, at a minimum, *shall* include all
37 relevant literature materials approved as of September 1, 1999, as
38 being legally compliant pursuant to Article 3 (commencing with
39 Section 60040) of Chapter 1, and the titles listed in all of the
40 content area reading and literature lists that are developed and

published by the department and that have been determined by the department to meet the relevant reading level as certified pursuant to subdivision (b).

(d) By imposing the requirements of this section on publishers, it is not the intent of the Legislature to unfairly disadvantage any publisher who has otherwise met the requirements of this section or of Article 3 (commencing with Section 60040) of Chapter 1 of Part 33.

(e) This section shall become inoperative on July 1, ~~2007~~ 2010, and, as of January 1, ~~2008~~ 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2008~~ 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 16. Section 60643.1 of the Education Code, as added by Section 22 of Chapter 233 of the Statutes of 2004, is repealed.

~~60643.1. (a) (1) Commencing in the 1999–2000 school year, and each school year thereafter, the test publisher designated by the State Board of Education pursuant to Section 60642 shall make available a reading list on the Internet by June 1 of that school year. The reading list shall include an index that correlates ranges of pupil reading scores on the English language arts portion of the achievement test designated pursuant to Section 60642 to titles of materials that would be suitable for pupils in each of grades 3 to 11, inclusive, to read in order to improve their reading skills. This reading list shall include titles of books that allow a pupil to practice reading at his or her current reading level and that will assist the pupil in achieving a higher level of proficiency. To the extent possible, the index shall also include information related to the subject matter of each title. At a minimum, the reading list shall also categorize titles by subject matter and identify age-appropriate distinctions in the list.~~

~~(2) Commencing in the 1999–2000 school year, and each school year thereafter, the test publisher shall make available, for purchase by school districts, a report that provides a numerical distribution of the reading scores of all pupils in California who took the achievement test designated pursuant to Section 60642.~~

~~(3) Commencing in the 1999–2000 school year, and each school year thereafter, the test publisher shall make available, for purchase by school districts, reading lists that can be distributed to pupils based on a pupil's age and the ranges of scores on the English~~

1 language arts portion of the achievement test designated pursuant
2 to Section 60642.

3 ~~(4) The requirements of this subdivision shall only become~~
4 ~~operative upon a determination by the Director of Finance that~~
5 ~~funds are available to make an adjustment pursuant to subdivision~~
6 ~~(h) of Section 60640.~~

7 ~~(b) The state board and the Superintendent of Public Instruction~~
8 ~~shall jointly certify that the process used by the publisher to~~
9 ~~determine the reading levels of the corresponding reading list~~
10 ~~pursuant to paragraph (1) of subdivision (a) meets the following~~
11 ~~criteria:~~

12 ~~(1) The process is educationally valid.~~

13 ~~(2) The process results in a reading list for each reading span~~
14 ~~that provides titles at the pupil's current reading level and the next~~
15 ~~higher level for challenging practice.~~

16 ~~(3) The process results in a selection from the universe of titles~~
17 ~~from the list developed pursuant to subdivision (d) that matches~~
18 ~~each reading level.~~

19 ~~(4) The process is unbiased in the selection of publishers' titles~~
20 ~~from the legal compliance list.~~

21 ~~(c) The titles listed at each reading level range posted on the~~
22 ~~Internet and the reading lists made available to school districts~~
23 ~~pursuant to subdivision (a) shall, at a minimum, include all relevant~~
24 ~~literature materials approved as of September 1, 1999, as being~~
25 ~~legally compliant pursuant to Article 3 (commencing with Section~~
26 ~~60040) of Chapter 1, and the titles listed in all of the content area~~
27 ~~reading and literature lists that are developed and published by the~~
28 ~~department and that have been determined by the department to~~
29 ~~meet the relevant reading level as certified pursuant to subdivision~~
30 ~~(b).~~

31 ~~(d) By imposing the requirements of this section on publishers,~~
32 ~~it is not the intent of the Legislature to unfairly disadvantage any~~
33 ~~publisher who has otherwise met the requirements of this section~~
34 ~~or of Article 3 (commencing with Section 60040) of Chapter 1 of~~
35 ~~Part 33.~~

36 ~~(e) This section shall become operative July 1, 2007.~~

37 SEC. 17. If the Commission on State Mandates determines
38 that this act contains costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

3 SEC. 18. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety within
5 the meaning of Article IV of the Constitution and shall go into
6 immediate effect. The facts constituting the necessity are:

7 In order for school districts, charter schools, and county offices
8 of education to continue to administer an achievement test under
9 the Standardized Testing and Reporting Program to pupils in grade
10 2, it is necessary that this act take effect immediately.